

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15413 - APPLICANT: ILAN CERVIN - OWNER: MARK ORCHARD**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Motor Vehicle Sales (Used) use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
5. A waiver to allow a 17,000 square foot site area where a 25,000 square foot is the minimum required.
6. The required trash enclosure shall meet Title 19 standards.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit to allow Motor Vehicle Sales (USED) on 0.37 acres of industrially zoned property at 1515 Industrial Road.

**EXECUTIVE SUMMARY**

The applicant seeks approval of a Special Use Permit for the sale of Used Motor vehicles on a 17,000 square foot lot. Due to the condition requiring a minimum 25,000 square foot minimum lot size, the applicant is required to operate under an approved Special use Permit. The applicant states that the majority of sales are internet-based, and that they have met all the criteria as outlined by the Nevada Department of Motor Vehicles to operate a used car dealership. Staff recommends approval as this use has been deemed compatible with the surrounding area.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 07/05/00      The City Council approved the Las Vegas Downtown Centennial Plan. This site is within the "Downtown South" Planning District.
- 09/06/00      The City Council approved the Las Vegas 2020 Master Plan. This site is within the "Revitalization Area" as described in the Plan.

**Building Permit History**

- 12/31/52      Building construction year for 1515 Industrial Rd.
- 09/10/02      Tenant Improvement completed, adding additional structure located at 1517 Industrial Road.
- 09/07/06      The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #55/mh).

***B) Pre-Application Meeting***

- 07/11/06      During the pre-application meeting it was determined that the Motor Vehicle Sales (Used) use requires an approved Special Use Permit due to the condition requiring a 25,000 sq. ft. minimum lot size in Industrially (M) Zoned properties not being met.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.37 Acres

***B) Existing Land Use***

Subject Property: Automotive Repair Shop

North: Industrial Storage

South: Warehouse

East: Warehouse

West: Bus Storage Yard

***C) Planned Land Use***

Subject Property: Light Industrial/ Research

North: Light Industrial/ Research

South: Light Industrial/ Research

East: Light Industrial/ Research

West: Light Industrial/ Research

***D) Existing Zoning***

Subject Property: M (Industrial)

North: M (Industrial)

South: M (Industrial)

East: M (Industrial)

West: M (Industrial)

***E) General Plan Compliance***

The Southeast Sector Plan Map of the General Plan currently designates this site as LI/R (Light Industrial/Research) and the existing zoning is M (Industrial). When the 25,000 minimum square foot lot requirement cannot be met, the Motor Vehicle Sales (Used) use is allowed in the M (Industrial) with the approval of a Special Use Permit.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		
Downtown Centennial Plan	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Special Overlay District</b>		
Downtown Overlay District	<b>X</b>	
Airport Overlay District – 200 Feet	<b>X</b>	
<b>Trails</b>		<b>x</b>

#### **DOWNTOWN CENTENNIAL PLAN**

The subject site is located within the “Downtown South” portion of the Downtown Centennial Plan. Properties within the Downtown Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Subchapter 19.08.040, Subchapter 19.08.050, Subchapter 19.08.060, Chapter 19.10, and Chapter 19.12. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Site Development Plan applications within the Downtown --Overlay District shall be evaluated on a case-by-case basis to determine the extent to which those standards shall be required.

#### **DOWNTOWN REDEVELOPMENT AREA**

The subject site is located within the Downtown Redevelopment Area on the Southeast General Plan. Several special overlay districts have been adopted which contain unique standards for redevelopment in order to encourage redevelopment of the City’s historic, urban core.

#### **AIRPORT OVERLAY DISTRICT – 200 Feet**

The subject site is located within the Airport Overlay District and is restricted to a 200-foot maximum building height. This Overlay District will have no adverse affect on the applicant’s proposal for the sale of used Motor Vehicles.

### **ANALYSIS**

#### ***A) Zoning Code Compliance***

##### **A1) Parking and Traffic Standards**

Pursuant to The Las Vegas Downtown Centennial Plan, the following Parking Standards are exempt from the automatic application apply to the subject proposal:

Uses	GFA	Ratio	Suggested Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Motor Vehicle Sales (Used)	1310 SF.	1/500 GFA	3	1	9	1

**A2) Minimum Distance Separation Requirements**

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Motor Vehicle Sales (Used) use; however, there is one similar approved use within the 1000' notification distance.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Gated, Roofed, and Constructed of a similar material to the main structure	None provided

No trash enclosure is shown on the site plan therefore a condition has been added to insure that it complies with Title 19 standards.

**B) General Analysis and Discussion**

- **Zoning**

Motor Vehicle (Used) Sales are permitted as a Conditional Use in the M (Industrial) zoning district. A Special Use Permit is required when the base conditions are not met.

- **Use**

The Motor Vehicle Sales (Used) use is allowed in the M (Industrial) with the approval of a Special Use Permit when the minimum 25,000 square foot lot requirement cannot be met

- **Conditions**

1. The minimum site area designated for this use shall be 25,000 square feet.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
6. Accessory automobile rental is permitted.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The Motor Vehicle Sales (Used) is within the range of allowable uses in the M (Industrial) zoning district and can be operated in a manner that is compatible with existing commercial land uses in the vicinity of this site.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The use is consistent with the Las Vegas Master Plan, and the Las Vegas Zoning Code Title 19.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The auto repair shop and proposed Motor Vehicle Sales (Used) have direct access to Industrial Road, a Major Street as classified by the city of Las Vegas.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Motor Vehicle Sales (Used) use will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 108 by City Clerk

**APPROVALS** 0

**PROTESTS** 0